

Message Text

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12

ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

L-03 CIAE-00 INR-10 NSAE-00 DODE-00 ACDA-19 DRC-01

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R 152304Z MAR 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 3122

C O N F I D E N T I A L USUN 903

E.O. 11652: GDS

TAGS: UN PFOR

SUBJ: DEFINITION OF AGGRESSION

1. WORKING GROUP COMPLETED FIRST READING OF PREAMBLE. ONLY
NOTEWORTHY CHANGE AGREED TO WAS IN EIGHT PARA WHERE
GROSSLY OVEROPTIMISTIC "CONVINCED THAT ADOPTION OF
DEFINITION OF AGGRESSION WOULD HAVE A RESTRAINING INFLUENCE"
"OUGHT TO HAVE A RESTRAINING INFLUENCE." SPAIN AND RUMANIA
RESERVED RIGHT REVERT TO THEIR PET PROJECT RE OTHER PARAGRPAHS AT
A LATER STAGE.

2. SMALL INFORMAL DRAFTING GROUP (US, CANADA, EGYPT,
GUYANA, USSR, YUGOSLAVIA) EXAMINED PRIORITY-INTENT ARTICLE.
EGYPT AND YUGOSLAVIA INSISTED ON DELETION OF "IN CONTRAVENTION
OF THE CHARTER" IN OPENING PHRASE AND "THE PURPOSES OF
THE STATES INVOLVED" IN THE LAST PARA. THE USSR URGED RE
RETENTION OF THE ARTICLE AS IT STANDS AND DELOFF AND WANG (CANADA)
URGED THAT THESE CHANGES MADE IT EVER MORE DIFFICULT FOR US
TO CONSIDER THE ESISTING TEXT.

3. TEYMOUR (EGYPT) STARCEVIC (YUGOSLAVIA) ARGUED THAT EXISTING
FORMULATION IMPLIED LEGITIMACY OF PREEMPTIVE STRIKE. DELOFF
ARUGED THAT TEXT MERELY REFLECTED FACT THAT TTHERE COULD BE
NO ACT OF AGGRESSION WHICH DID NOT INVOLVE AN ILLEGAL USE OF FORCE.
FOLLOWING FORMULATION EMERGED FROM DISCUSSION AND
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COMMANDED A MEASURE OF SUPPORT.

"EXCEPT IN THOSE CASES WHERE THE FIRST USE OF FORCE IS IN CONFORMITY WITH THE CHARTER SUCH USE SHALL CONSTITUTE PRIUEA FACIE EVIDENCE OF AN ACT OF AGGRESSION PROVIDED, HOWEVER, THAT THE SECURITY COUNCIL MAY IN THE EXERCISE OF ITS RESPONSIBILITIES UNDER THE CHARTER CONCLUDE THAT A DETERMINATION TO THAT EFFECT WOULD NOT BE JUSTIFIED IN THE LIGHT OF OTHER RELEVANT CIRCUMSTANCES, INCLUDING, AS EVIDENCE, THE PURPOSES OF THE STATES INVOLVED.

4. GUYANA, USSR, US, CANADA ACCEPTED THIS VERSION AD REFERENDUM AND TEYMOURS AND STARCEVIC DID LIKEWISE BUT RESERVED THEIR POSITION ON THE EXPRESS MENTION OF PURPOSES.

COMMENT: WHILE THIS FORMULATION EVEN MORE TORTURED THAN ITS PREDECESSOR, IT IS AT LEAST AS FAVORABLE FROM OUR POINT OF VIEW. WE NOT OPTIMISTIC IT WILL SURVIVE AFTER TEYMOURS AND STARCEVIC HAVE THOUGHT MORE ABOUT IT.
BENNETT

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Message Attributes

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Decaption Date: 01 JAN 1960
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Disposition Action: RELEASED
Disposition Approved on Date:
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30 JUN 2005

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